

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel. W.A. )  
DREW EDMONDSON, in his capacity as )  
ATTORNEY GENERAL OF THE STATE )  
OF OKLAHOMA AND OKLAHOMA )  
SECRETARY OF THE ENVIRONMENT )  
C. MILES TOLBERT, in his capacity as the )  
TRUSTEE FOR THE NATURAL )  
RESOURCES FOR THE STATE OF )  
OKLAHOMA, )  
Plaintiff, )

v. )

Case No. 05-CV-00329 GKF-SAJ

TYSON FOODS, INC., TYSON )  
POULTRY, INC., TYSON CHICKEN, )  
INC., COBB-VANTRESS, INC., CAL- )  
MAIN FOODS, INC., CAL-MAINE )  
FARMS, INC., CARGILL, INC., )  
CARGILL TURKEY PRODUCTION, LLC, )  
GEORGE'S, INC., GEORGE'S FARMS, )  
INC., PETERSON FARMS, INC., )  
SIMMONS FOODS, INC., and WILLOW )  
BROOK FOODS, INC., )  
Defendant. )

**AFFIDAVIT OF JOHNNY CARLILE**

STATE OF OKLAHOMA )  
COUNTY OF CHEROKEE ) SS.

Johnny Carlile, of lawful age, being first duly sworn, deposes and states as follows:

1. My name is Johnny Carlile. I raise cattle and hay. My address is in Tahlequah, Oklahoma.
2. I make this affidavit in support of the amicus brief to be filed by Oklahoma Farm Bureau opposing the Attorney General's request for

an injunction. Everything in this affidavit is true and correct to the best of my information and belief.

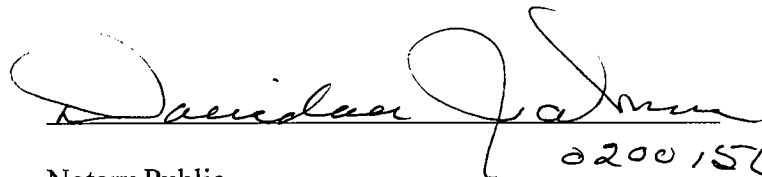
3. My ranch is approximately 600 to 700 acres. My grandson will be the seventh generation to farm in Cherokee County. I have been a cattle rancher all my life. I raise cow/calf units and have between 100 to 150 head. I raise hay to feed them.
4. I am a member of the Oklahoma Farm Bureau.
5. I use poultry litter as fertilizer on my ranch when I can get it. Some of the guys providing litter to me went out of business, and I've had a hard time getting it at the right time of the year. It is an excellent source of nutrients for forage production.
6. For rough ground poultry litter will grow grass where commercial fertilizer will not. It will do the same on good ground, too. It puts organic matter into the ground and loosens the soil. It releases periodically with the rains, and one application in a year is all it takes. Commercial fertilizer is gone in about one thirty-day spurt, has to be reapplied, and tends to tighten up the ground. Poultry litter does more for the soil than anything I know of.
7. I cannot put down commercial fertilizer because of the cost. It was \$400 a ton in 2007. This year it is going for about \$600 a ton. The cost for the poultry litter with application is about \$50 an acre while the cost to use comparable commercial fertilizer is about \$120 an acre.
8. I try to get 4 bales of hay to the acre. I would have to get 8 bales to the acre to make it worth using commercial fertilizer at the current price. I cut hay once a year then use the field as pasture. If I can get litter, I can afford to put it out. If I can't get poultry litter, I'll have to bale without fertilizer. That produces less hay and it's more costly to run equipment. At \$600 a ton for commercial fertilizer, the cost would be roughly \$40 to \$50 per bale – too high to be worth fertilizing.
9. If the injunction is granted, and I could not use poultry litter, I don't know quite what I'd do. I would probably bale hay without using any fertilizer. I don't like doing that because I like to put back into the ground what growing the grass takes out of it. My grandson is the

seventh generation to live in the county. If I don't take care of the land that is my business, it won't take care of itself.

Dated this 2 day of February, 2008.

  
Johnnie L. Carlile

Subscribed and sworn to before me this 2 day of February, 2008.

  
David Lee Johnson  
Notary Public 02001569

My Commission Expires:

2-17-10

[SEAL]